

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

It is respectfully submitted that all of the claims clearly patentably define over the primary reference to Weng, U.S. Patent 5,597,053, taken with any of the cited and applied secondary references. The Weng '053 document teaches the use of wax block which are used to coat a disk brake to increase friction factor. The wax blocks do not ensure a high-strength and temperature-resistant connection that is insensitive to vibration. New independent claim 39 sets forth with specificity the details of the disk brake structure of the present invention. Support for the subject matter of independent claim 39 can be found, for example, in paragraphs [0011] and [0012] of the instant published application. The examiner's combining of the Weng '053 document with Whitworth is absolutely without merit. To substitute brass with a wax in the primary reference would destroy the whole purpose and invention of the primary reference, that is to increase the disk brake friction factor by providing a coating on the disk brake as a result of the wax blocks. Such a combination of references belies the concept of a whole clause of 35 U.S.C. 103.

Independent claim 45 is patentable for the same reasons set forth above with respect to independent claim 39. In addition, independent claim 45 contains additional subject matter not shown, disclosed, nor rendered obvious by the prior art. Method independent claim 48 is likewise patentable over the sum total teachings of the prior art. The '053 patent teaches wax studs. These wax studs cannot be welded as claimed in independent claim

48. Again, to combine the Weng reference to the Whitworth reference belies the concept of a whole clause of 35 U.S.C. 103.

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

By /Gregory P. LaPointe #28395/
Gregory P. LaPointe
Attorney for Applicants
Reg. No.: 28,395

Telephone: 203-777-6628
Telefax: 203-865-0297

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